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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,010	11/17/2003	David S. Benco	LUTZ 2 00251	3279
48116 7590 FAY SHARPE/LUCENT 1100 SUPERIOR AVE SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER WIN, AUNG T	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/27/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,010

Applicant(s)

BENCO ET AL.

Examiner

AUNG T. WIN

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2, 5, 7, 10 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 8, 9, 11, 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1, 3, 4, 6, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitfield (US005995824A) in view of Williams et al. (US20040252679A1), further in view of Kotzin (US006134521A).

1.1 Regarding Claim 1, Whitfield discloses a method for supporting a network-based voice memo feature [voice recording feature is MS-based or Network-based: Column 4, Line 55-60] comprising:

Maintaining a voice call between a mobile station and another communication device [Activating Recording feature and Recording Voice during a Call: Column 4, Line 24];

The voice call having a forward link and reverse link [Figure 3];

Monitoring the reverse link of the voice call [monitoring the reverse link if Service code signal is received from mobile station: Column 4, Line 16-55];

Validating the mobile station via a control module [Provisioning the mobile station via MSC: Column 3, Line 49-Column 4, Line 15];

Detecting a first code transmitted on the reverse link by the mobile station
[Detecting service code transmitted on the reverse link by the mobile station: Column 4, Line 16-35];

Opening a connection between the mobile station and a voice messaging system based on the first code [Set up a call to subscriber's voice mail system 340 based on service code: Column 4, Line 16-35]

Where the connection comprises a first path from the mobile station to a voice memo control module [i.e., a first path from the mobile station to MSC as cited above];

Recording voice data transmitted on the reverse link subsequent to the detection of the first code on the voice messaging system through the opened connection [service code: Column 4, Line 14-35];

Detecting a second code transmitted on the reverse link by the mobile station [service code: Column 4, Line 17];

Terminating the connection between the mobile station and the voice messaging system based on the second code [Column 4, Line 16-55].

Whitfield also teaches retrieving the recorded voice from voice mail system as conventional procedure as that required for accessing voice mail therefore, it is obvious to one of ordinary skill in the art that recorded voice must be tagged for identification. Whitfield does not explicitly teach memo/mail delineator. Williams discloses tagging and storing recorded voice mail messages and voice memo messages in voice mail storage archive 132 [0067, 0072 & 0073]. Williams also discloses that recorded voice message includes an indication to indicate that the recorded voice message is a voice

memo message [0072]. Williams also teaches the stored voice memo messages can be selectively retrieved [0073]. Thus, it is obvious to one of ordinary skill in the art that voice mail system as taught by Williams must be integrated with claimed memo/mail delineator for selectively retrieving stored voice memo messages or voice mail messages from voice mail storage archive 132.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to tag and store the voice messages as taught by Williams to tag recorded voice data for recognition by memo/mail delineator as claimed. One of ordinary skill in the art at the time of invention of made to do this to selectively retrieve voice memo messages from stored voice messages.

The modified method also teaches opening second connection path from the voice memo control module i.e., MSC to a voice mail messaging system based on first code [based on service code: Column 4, Line 1-35]. The modified method does not does not explicitly disclose a second path connection is opened from the voice memo control module to a voice handler based on first code because Whitfield does not explicitly disclose that the voice mail messaging system is integrated with voice handler. However, it should be noted that applicant discloses that speech handler is voice encoding module, which are well known to one of ordinary skill in the art at the time of invention of made and useful in implementation of voice message systems [applicant's disclosure: paragraph 0041].

Kotzin also teaches voice mail messaging system 103 implemented with speech coder(s) 306 for encoding incoming speech for further storing in the system's storage

312 [Figure 3] [Column 2, Line 23-54]. Therefore, it would have been obvious to one of ordinary skilled in the art at the time of invention of made to further modify the voice mail messaging system with speech handler i.e., speech coder module as taught by Kotzin to implement the method comprising a first path and second path as claimed. One of ordinary skill in the art at the time of invention of made to do this to efficiently store and retrieve the voice message.

1.2 Claim 6 is an apparatus claim rejected for the same reasons as stated above in Claim 1 rejections. Whitfield's system as modified above would teach corresponding means of Claim 6 because processing steps executed by claim means substantially read on corresponding method steps of Claim 1.

1.3 Claims 3, 4, 8 & 9 are rejected for the same reason as stated above in Claims 1 & 6 rejection. Modified system and method as stated above would teach identifying the recorded voice data as voice mail message to be stored in a voice mailbox of a user of mobile station as voice memo messages because the modified system and method teaches storing and retrieving recorded voice memo messages and regular voice messages.

2. Claims 11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitfield (US005995824A) in view of Williams et al. (US20040252679A1), further in view of Kotzin (US006134521A) and Qu et al. (US006965786B2).

2.1 Claims 11 & 15 comprises network-based voice memo feature which is substantially similar to the feature of the system and the method of Claim 1 and Claim 6. Therefore, the system and method as modified stated above in Claim 1 would teach all limitations as cited in Claim 11 except for the teaching of display indicators, which separate voice mail messages from memo messages. It should be noted that voice mail messaging system configured to display indicators regarding message status stored in the system is well known to one of ordinary art at the time of invention of made. Qu teaches mobile devices configured to display indicators for displaying voice memo message icons and voice mail message icons [Table 1: column 3] [Figure 2]. Therefore, it is obvious to one of ordinary skill in the art to further modify voice mail messaging system as claimed to display indicators which separate voice mail messages from memo messages based on message storage information as taught by Qu. One of ordinary skill in the art at the time of invention of made to do this to enhance voice memo feature supported by voice mail messaging system.

2.2 Claims 13 & 14 are rejected for the same reason as stated above in Claim 11 rejection. Modified system and method as stated above would teach identifying the recorded voice data as voice mail message to be stored in a voice mailbox of a user of mobile station as voice memo messages because the modified system and method teaches storing and retrieving recorded voice memo messages and regular voice messages.

2.3 Regarding Claim 16 & 17, the system and method as modified stated above would teach all limitations as cited in Claim 1 & 6 except for the teaching of display indicators, which separate voice mail messages from memo messages. It should be noted that voice mail messaging system configured to display indicators regarding message status stored in the system is well known to one of ordinary art at the time of invention of made. Qu teaches mobile devices configured to display indicators for displaying voice memo message icons and voice mail message icons [Table 1: column 3] [Figure 2]. Therefore, it is obvious to one of ordinary skill in the art to further modify voice mail messaging system as claimed to display indicators which separate voice mail messages from memo messages based on message storage information as taught by Qu. One of ordinary skill in the art at the time of invention of made to do this to enhance voice memo feature supported by voice mail messaging system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUNG T. WIN whose telephone number is (571)272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2617

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung T Win/

Examiner, Art Unit 2617

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617